

MAR 17 2009

Attorney Docket No. P67564US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HIPFEL et al.

Via facsimile: 571-273-8300

Application No.: 10/501,814

Group Art Unit: 1649

Filed: July 19, 2004

Examiner: John D. Ulm

For: DIAGNOSTIC AND THERAPEUTIC USE OF THE VOLTAGE-GATED ION CHANNEL
SCN2A FOR NEURODEGENERATIVE DISEASES**REQUEST FOR CORRECTIVE OFFICE ACTION AND
RESTART OF TIME PERIOD FOR REPLY [MPEP 710.06]**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The instant paper, transmitted by facsimile, requests that the PTO issue a corrective Office Action, which resets the time period for reply, in place of the Office Action, mailed March 3, 2009, because the instant Office Action is defective.

Pursuant to MPEP 710.06:

Where . . . an Office Action contains some . . . defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant.

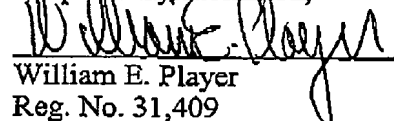
The Office Action is defective because it does not examine the claims in the later filed of two amendments filed 11 December 2008 (i.e., the "Supplemental Amendment") (copy and Electronic Acknowledgment Receipt attached); which, *i.a.*, limits all examined claims to "Alzheimer's disease."

In view of the foregoing, a new Office Action that corrects the above identified error, and restarts the time period for reply as of its mailing date, is in order. MPEP 710.06.

Favorable action is requested.

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Date: March 17, 2009WEP/aer
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Respectfully submitted,


William E. Player
Reg. No. 31,409
Attorney of record

Electronic Acknowledgement Receipt	
EFS ID:	4439897
Application Number:	10501814
International Application Number:	
Confirmation Number:	4911
Title of Invention:	Diagnostic and therapeutic use of a voltage-gated ion channel scn2a for neurodegenerative diseases
First Named Inventor/Applicant Name:	Rainer Hipfel
Customer Number:	00136
Filer:	William E. Player/Ashley Robertson
Filer Authorized By:	William E. Player
Attorney Docket Number:	P67564US1
Receipt Date:	11-DEC-2008
Filing Date:	11-MAY-2005
Time Stamp:	16:34:44
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	SUPPLEMENTALAMENDMENT.pdf	1125273 78623206d70420c5e2a805e132611240193048	no	16
Warnings:					
Information:					

Total Files Size (in bytes):

1125273

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.